IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 4045 of 2006

Date of Decision: August 31, 2006

Santosh Kumari

…..Petitioner

Vs.

State of Haryana and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. R.K. Malik, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana

Mr. D.S. Nirban, Advocate for respondent No.4.

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M.M. KUMAR, J. (ORAL)

The petitioner had filed Civil Writ Petition No. 13459 of 2004, which was disposed of by a Division Bench of this Court and a direction was issued to the respondents to declare the result of the petitioner. In case, she was found to have been selected on the basis of the provisional interview, necessary consequential relief was to be granted to her. The petitioner filed COCP No. 1561of 2005 alleging violation of the aforementioned direction. During the course of hearing of the contempt

petition, the record of the petitioner was produced before this Court and it was found that the petitioner who was possessing essential qualifications was ignored in preference to those who had alternative qualifications. The Rule in the contempt was discharged by granting liberty to the petitioner to avail any other remedy in accordance with law. As a consequence, the instant petition came to be filed with a prayer to quash the decision of the Selection Committee fixing minimum 50% marks for handicapped category, as no minimum marks have been fixed for any other category. A further prayer has been made to appoint the petitioner as a Sanskrit teacher.

Learned State counsel has placed on record a copy of the order dated August 30, 2006, appointing the petitioner on the post of Sanskrit teacher with effect from the date of the issuance of the order. However, the appointments were finalized long ago when the candidates with alternative qualifications were appointed. Therefore, we direct the respondents to ante-date the appointment of the petitioner by giving her the same date of appointment as has been given to those who possess alternative qualification and were appointed on the post of Sanskrit Teacher. However, we clarify that the petitioner shall not be entitled to payment of salary on account of assigning such a date to her. Yet she would be entitled to all other benefits including fixation of her pay, increments and seniority.

Petition stands disposed of in the above terms.

(M.M.KUMAR)
JUDGE

August 31, 2006 (M.M.S.BEDI)
sanjay JUDGE